

REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1-9 are in this application.

The Examiner indicated that claims 3, 6, and 9 are allowed.

Claims 1-2, 4-5, and 7-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beaudet et al. (USPN: 5,559,945) in view of Sudo (USPN: 5,856,827) and further in view of Suga et al. (USPN: 5,497,455).

Independent claim 1 has been amended herein so as to recite in part the following:

"wherein the **window simultaneously includes** (i) information corresponding to each of the plural number of menu items from said setting screen **and** (ii) information corresponding to the rotation operation and push operation." (Underlining and bold added for emphasis.)

In explaining the above 103 rejection, the Examiner acknowledges that Beaudet does not teach the above feature of claim 1. As best understood, the Examiner does not appear to rely on Sudo for disclosing the above feature of claim 1 and appears to rely on Suga (and, in particular, Fig. 4 and line 65 of column 10 to line 47 of column 11 thereof) for disclosing a portion of the above feature of claim 1. In response thereto, it is respectfully submitted that the portions of Suga relied on by the Examiner (hereinafter, merely "Suga") do not appear to

disclose that its control window "simultaneously includes (i) information corresponding to each of the plural number of menu items from said setting screen and (ii) information corresponding to the rotation operation and push operation."

Accordingly, it is believed that amended claim 1 is distinguishable from the applied combination of Beaudet, Sudo, and Suga. For somewhat similar reasons, it is submitted that amended independent claims 4 and 7 are also distinguishable from the applied combination of Beaudet, Sudo, and Suga. Claims 2, 5 and 8 depend from one of claims 1, 4, and 7 and are therefore also distinguishable from the applied combination of Beaudet, Sudo, and Suga for at least the reasons previously described.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

In view of the foregoing, entry of this amendment, favorable reconsideration and withdrawal of the rejection of claims 1, 2, 4, 5, 7, and 8 and the allowance of this application with claims 1-9 are respectfully requested.

This is in response to the Examiner's statement of reasons for allowance included in the present Office Action mailed August 13, 2003. To the extent the Examiner's statement of reasons for allowance states, implies or is construed to mean that claims 3, 6 and 9 are allowable over the prior art of record because the Examiner believes the claims should be interpreted to include one or more features or limitations not recited therein, Applicants' attorney disagrees with such an interpretation. Moreover, it is Applicants' contention that there is no particular limitation in the allowed claims that is more critical than any other. The issuance of Examiner's statement of reasons for allowance should not be construed as a surrender by Applicants of any

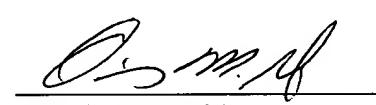
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subject matter. It is the intent of Applicants, by their attorney, to construe the allowed claims so as to cover the invention disclosed in the instant application and all equivalents to which the claimed invention is entitled.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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